

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF UNIVERSITY PARK, CHAPTER 13 "UTILITIES", SECTION 13.03.012 (a), BY ADOPTING A NEW DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of University Park, Texas ("City") recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, in the best interest of the citizens of the City of University Park, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and

WHEREAS, Title 30, Chapter 288 of the Texas Administrative Code and the regulations of the Texas Commission on Environmental Quality ("Commission") require that the City adopt a Drought Contingency Plan that establishes minimum regulations and restrictions; and

WHEREAS, the City Council of the City of University Park desires to adopt the City's 2014 Drought Contingency Plan as the official City policy for the management of water supplies during drought or other water supply emergencies; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITYPARK, TEXAS:

SECTION 1. That Section 13.03.012 (a) of the Code of Ordinances of the City of University Park, Texas, which heretofore adopted a Water Conservation and Drought Contingency Plan by reference, is hereby amended to adopt by reference "The 2014 Drought Contingency Plan for the City of University Park, Texas" by reference and a true copy of such plan shall be retained by the City Secretary and the Director of Public Works and be available for public inspection during all business hours of the City of University Park.

SECTION 2. That the City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting,

that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

SECTION 3. That the City Manager or his designee is hereby directed to file a copy of the Plan and this ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 4. That the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as provided by law.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance, shall be subject to a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Drought Contingency Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION 6. Should any paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected.

SECTION 7. This ordinance shall take effect immediately following its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of University Park, Texas, on this 15th day of April 2014.

APPROVED:

W. RICHARD DAVIS, MAYOR

ATTEST:

LIZ SPECTOR, CITY SECRETARY

APPROVED AS TO FORM:

CITY STTORNEY (rld; 4-09-14; 65577)

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DULY PASSED AND APPROVED by the City Council of the City of University Park, Texas, on this 15th day of April 2014.

APPROVED:

W. RICHARD DAVIS, MAYOR

ATTEST:

LIZ SPECTOR, CITY SECRETARY

